

SECTION 5.

Mr. Subrahmanya Pillai moved that the following be inserted in Section 5:—

"All applications for loans with all the informations required by this Regulation and the rules made thereunder shall be submitted to the officer empowered to grant such loans"; and he said:—

"Sir,

The chief complaint against the existing Regulation is that the provisions contained in it are not adequate to effect the prompt disposal of applications for loans. The Mover himself has admitted that the procedure now adopted is very dilatory and unworkable. So, our present attempt should be, I think, to replace it by one that will be more workable. In the Bill, I was not able to find any provision that would bring about the desired effect. At present it is the Tahsildar who receives all applications for loans, though he has no power to grant any loans. After receiving the application, he proceeds very leisurely to conduct his enquiries and after closing his enquiries he either rejects it finally or submits a recommendation to the higher authority for the grant of the loan applied for. It is only then that the authority competent to grant the loan gets information regarding the application. During the enquiry, the Tahsildar works with no outside pressure or control. That is the chief cause of the delay in the disposal of such applications. The Peishkar comes to know of this only when the order rejecting the application is appealed against or when a recommendation is made for the grant of loans. I think that the power of receiving applications for loans, and the power of granting or rejecting them should all be left in one and the same officer. It may be said that these are details that can be brought under the rules. But my amendment involves a principle and should find a place in the Bill itself. I do not propose to name the officers or to fix the amount that each officer should be allowed to grant. It is very unlikely that any officer below the rank of the Director of Agriculture will be entrusted with the power of granting the loans under the Regulation. Even granting that officers of inferior status will be empowered to grant the loans, my contention is that, whatever be the rank of the officer, the same officer should receive and dispose of the applications for loans. In that case, orders for enquiry will originate from the officer who receives the application and his subordinates will surely conduct the enquiry very promptly, and this will have the effect of the applications being disposed of promptly. For these reasons I think that the Clause which I have proposed should be inserted in the Bill itself."

The motion fell through as it was not seconded.

SECTION 7.

Mr. Krishna Aiyangar moved that the words "except as regards the loans referred to in Section 4" be inserted at the beginning of Clause (c) of sub-section (1).

Seconded by Mr. Gopala Pillai.

Mr. Subba Aiyar accepted the amendment, and it was carried.

SECTION 9.

Mr. Govinda Menon moved that the words "a co-operative credit society with unlimited liability or to any other recognised body or association of persons" be substituted for the words "the members of a village community" in line 1.

The motion fell through as it was not seconded.

SECTION 11.

Mr. Subba Aiyar moved that the whole Section be deleted.

Seconded by Mr. Subrahmanya Aiyar.

After some discussion, the motion was carried by a majority.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill be read again on a future day of which notice should be given.

Seconded by Mr. Raman Pillai.

Carried.

THE SURVEY AND BOUNDARIES BILL.

Mr. Subba Aiyar presented the report of the Select Committee on the Survey and Boundaries Bill, and moved that the report and the Bill be taken up for consideration.

Seconded by Mr. Mahadeva Aiyar.

Carried.

SECTION 3.

Mr. Krishna Aiyangar moved that the words "and includes" be inserted between the words "means" and "any person" in line 1 of Clause (iv).

Mr. Subba Aiyar accepted the amendment, and it was carried.

SECTION 6.

Mr. Govinda Menon, in moving that Clauses (a) and (b) of sub-section (3) be deleted, said:—

"In a survey which is conducted with the sole object of assessing the Government revenue, it is not at all right to charge the individual holder with the works referred to in Clauses (a) and (b). They will simply be made the means of filling the pockets of the lower subordinates and will not serve any other purpose. Of course, in the case of a survey made to settle any dispute that arises between two private individuals, Chapter IV provides that the costs of such a survey should be realised from the parties concerned. But the present provisions as they stand are neither justifiable nor defensible. I therefore beg to move that the same be omitted from the Section."

Seconded by Mr. Parameswaran Pillai.

Mr. Subba Aiyar, in opposing the motion, said :—

"In the first place, the Section does not make any innovation in as much as a similar provision is contained in the Regulation which it purports to repeal. The existing Regulation contains exactly the same provisions, only with a slight difference in the wording. That Regulation has been in existence for the last 35 years, and I do not think there has been any complaint about the working of the Section. The existing Regulation was passed prior to the Settlement, and the last Survey was conducted under it. With reference to the observation that it is in the interests of Government revenue that the survey is made, I would say that it is also in the interests of the public who are benefited by it. Everybody will then be in a position to have the boundaries of his property fixed, so that his neighbour may not encroach upon it. So, it is as much in the interests of individual ryots as it is in the interests of Government to have the properties properly surveyed before the Settlement operations are begun. This provision, I believe, exists in the British Indian Act also. I do not therefore think it desirable to accept the amendment proposed."

Mr. Krishna Aiyangar:—

"Sir,

I would just say a few words in so far as the amendment relates to Clause (b). It might be fairly contended that the ryot ought to provide the necessary facilities to enable the Survey officers to ascertain the boundaries of his holding. So far as the obligation to clear the ground by cutting down or removing trees, etc., imposed by Clause (a) is concerned, it may be said that it is not altogether an unfair demand that the Legislature makes upon the individual ryot at the time of survey. But in the matter of providing flagholders and chainmen, it looks as if something like the old *Viruthi* service is revived under the Boundaries Regulation. The fact that it has been in existence under the old law or that it is found in the corresponding British Indian Act cannot be conclusive, as, I submit, progress necessarily contemplates change, the old order of things giving place to new. The only question is whether it can be regarded as a fairly legitimate position for us to take. I cannot seriously accept the contention that no objection has been raised, as if it is open to the Non-official Members of this Council, and as if they command the necessary facilities to introduce a private Bill affecting Statutes dealing with the fiscal aspects of the Administration. That apart, Sir, let us consider the proposition on its merits. Here is a case where the ryot gets the benefit of his land being clearly demarcated, saving him from the trouble and expense of litigation. On the other hand, there is certainly the benefit to the Government also. Should then the ryot be called upon to provide flagmen and chainmen? That is a work that is to be done by the Survey Department. The work of the subordinate menial staff of this Department ought not to be thrown upon the owners of lands. I certainly object to that. No doubt, the subsequent Section provides that, if the registered holder does not do it, the Government should do it and realise the cost from the owner, though it does not go the length of treating the default as an offence punishable under the law. But I submit that there is not much of justice in the position that is sought to be claimed for the Government in Clause (b). It would look as if the whole thing is philanthropically undertaken and carried out by the Government and that the Government have no interest in the matter. Of course, broadly speaking, the Government have no interest as distinguished from the interest of the subjects. But from the ordinary standpoint of a ryot, it may be said that in the matter of taxation the interest of the Government is something different from that of the tax-payers. The Government try to get what they can, the tenants resisting it. May I ask on what principle can the Government justify their claim to call upon the registered holder to provide flagmen and chainmen? On these grounds, I would support Mr. Govinda Menon's amendment so far as it relates to Clause (b)".

The motion was put to the vote and lost.

SECTION 7.

Mr. Gopala Pillai moved that the words "except in cases where a survey is directed for public purposes" be inserted at the beginning of sub-section (2).

Seconded by Mr. Subrahmanya Pillai.

Mr. Subba Aiyar opposed the motion. It was put to the vote and lost.

- The Council adjourned at 2-10. P. M. for lunch, and re-assembled at 2-50 P. M.

SECTION 11.

Mr. Mahadeva Aiyar moved that the word "Revenue" be substituted for the word "Paku-thi" in line 3 of sub-section (2).

Mr. Subba Aiyar accepted the amendment, and it was carried.

SECTION 13.

Mr. Govinda Menon moved that the words "the communication of" be inserted between the words "from the date of" and "such order or decision" in line 7.

Seconded by Mr. Gopala Pillai.

After some discussion, the Council resolved to substitute the words "from the date of service of such order or decision or from the date on which the Notification prescribed under sub-section (4) of Section 11 was published" for the words "from the date of such order or decision," in line 7 of Section 13.

Mr. Govinda Menon next moved that the word "three" be substituted for the word "one" in line 6.

Seconded by Mr. Gopala Pillai.

Mr. Subba Aiyar opposed the motion. It was put to the vote and lost.

SECTION 14.

Mr. Krishna Aiyangar moved that the word "and" be inserted after "survey-marks" in line 6, and that the words "and recover" in the same line be deleted, the words "may be recovered" being added after the words "such cost" in the same line.

Mr. Subba Aiyar accepted the amendment, and it was carried.

SECTION 16.

Mr. Subba Aiyar moved that the words "of service" be inserted after the word "date" in line 3 of sub-section (2), in consequence of the amendment made in Section 13.

Seconded by Mr. Chacko.

Carried.

SECTION 31.

Mr. Subba Aiyar moved that the word "believes" be substituted for the word "deems" in line 1 of sub-section (4).

Seconded by Mr. Subrahmanya Aiyar.

Carried.

The consideration of the Bill being over, Mr. Subba Aiyar moved that the Bill be read again on a future date of which notice should be given.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. Subba Aiyar moved that the Criminal Law Amendment Bill be finally read and passed.

Seconded by Mr. Mahadeva Aiyar.

Carried.

THE CHITTIES BILL.

SECTION 1.

Mr. Subba Aiyar moved that sub-section (2) be deleted, and that sub-section (3) be numbered as sub-section (2).

Seconded by Mr. Mahadeva Aiyar.

Carried.

SECTION 38.

Mr. Subba Aiyar moved that the words "such officer" be substituted for the words "the Registrar" in line 1.

Seconded by Mr. Mahadeva Aiyar.

Carried.

Mr. Subba Aiyar moved that the Bill be finally read and passed.

Seconded by Mr. Rengaswami Aiyangar.

Carried.

The Council adjourned at 3-40 P. M.

22-10-'18

President.